

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 9742 of 1996

WITH

CIVIL APPLICATION NO. 11317 OF 1996

AND

SPECIAL CIVIL APPLICATION NO. 9743 OF 1996

WITH

CIVIL APPLICATION NO. 11318 OF 1996

AND

SPECIAL CIVIL APPLICATION NO. 9744 OF 1996

WITH

CIVIL APPLICATION NO. 11319 OF 1996.

For Approval and Signature:

Hon'ble MR.JUSTICE M.R.CALLA Sd/-

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?
Nos.1 to 5 No.

Spl.C.A.No.9742 of 1996.

Purnimaben Dilipbhai Pandya

Vs.

1.Mehsana District Telibiya Utpadak Sahkari Sangh Limited, Mehsana.

Spl.C.A.No. 9743 of 1996.

N.K.Chaudhari.

Vs.

Mehasana District Telibiya Utpadak Sahkari Sangh Limited, Mehsana.

Spl.C.A.No. 9744 of 1996.

Chaudhari Virambhai Punjabhai

Vs.

Mehsana District Telibiya Utpadak Sahakari Sangh Limited,
Mehsana.

Appearance:

Spl.C.A.Nos.9742 & 9744 of 1996.

MR HARDIK C RAWAL for Petitioner

MR.B.A.VAISHNAV for Respondent.

Spl.C.A.No.9743 of 1996.

Mr. Mr.Hardik Raval for Mr.J.S.Yadav for petitioner.

Mr.B.A.Vaishnav for Respondent.

CORAM : MR.JUSTICE M.R.CALLA

Date of decision: 22/01/97

ORAL JUDGEMENT

These three Special Civil Applications seek to raise a common grievance based on identical facts with regard to all the three petitioners and same are disposed of by this common judgment.

The petitioners have come with a grievance that they were relieved on 30.11.1996 from the services without following requirements of law. Mr.Vaishnav appearing for the respondents has submitted that Mehsana District Telibiya Utpadak Sahkari Sangh Limited, Mehsana has decided to withdraw the termination order passed with regard to the petitioners whereby their services came to an end on 30.1.1996 and the petitioners will be treated to be continuing in service as if their termination did not become effective on 30.11.1996. Mr. Vaishnav has also submitted that each of the petitioners have already completed 240 days of continuous service in the current year and the entitlement of each of these three petitioners with regard to the protection under section 25F of the Industrial Disputes Act is not disputed. However, Mr.Vaishnav submits that it may be left open for the respondent Sangh to pass appropriate orders in accordance with law while treating the petitioners to be continuing in service as if they were not terminated on 30.11.1996. This order is passed without prejudice to the right of the respondents to take the plea in future proceedings, if any, that Mehsana District Telibiya Utpadak Sahkari Sangh Limited is not the agency or instrumentality of the State within the meaning of Article 12 so as to invoke the jurisdiction of this Court under Article 226 of the Constitution of India.

In view of the aforesaid statement made by Mr.Vaishnav, Mr.Hardik Raval, learned Counsel for the petitioners in all these petitions seeks to withdraw these Special Civil Applications with a liberty to file fresh, if so advised against any order which may be passed by the respondents in future or to challenge such orders before the appropriate forum in accordance with law. It will be open for both the sides to raise all just and legal submissions in any future proceedings in this regard. All these three Special Civil Applications are accordingly dismissed as withdrawn in the terms as prayed for. Rule is hereby discharged in each of the three petitions. Interim order automatically stands vacated.

Civil Application Nos. 11317, 11318 & 11319 of 1996.

In view of the orders passed in aforesaid Special Civil Applications all these Civil Applications have become infructuous and the same are disposed of accordingly.
